

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**JAMES STIDHAM, SR. and KURT SMITH,)
individually and on behalf of themselves and)
all others similarly situated who consent to join,)**

Plaintiffs,

v.

**DAY & ZIMMERMANN NPS, INC.,)
Defendant.)**

**No. 3:06-0665
Judge Echols**

ORDER

For the reasons set forth in the Memorandum issued contemporaneously herewith, the Court hereby rules as follows:

(1) Plaintiffs' Renewed Motion for Court-Supervised Notice (Docket Entry No. 62) is hereby DENIED WITHOUT PREJUDICE;

(2) Plaintiffs' Renewed Motion for Partial Summary Judgment (Docket Entry No. 65) is hereby DENIED;

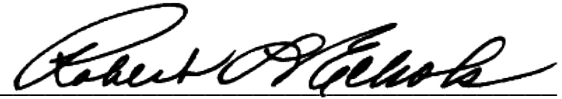
(3) Defendant's Renewed Motion for Summary Judgment (Docket Entry No. 69) is hereby GRANTED IN PART and DENIED IN PART. The Motion is GRANTED with respect to Plaintiffs' claim that Defendant's "brassing policy" violates the Fair Labor Standards Act, but DENIED with respect to Plaintiffs' claim that Defendant's "late arrival policy" violates the FLSA;

(4) Defendant's Motion for Decertification (Docket Entry No. 77) is hereby DENIED; and

(5) This case is presently set for a Final Pretrial Conference on Monday, September 17, 2007, at 1:00 p.m., and a non-jury trial on Tuesday, October 16, 2007, at 9:00 a.m. A Status and Scheduling Conference, rather than a Final Pretrial Conference, will be held on Monday,

September 17, 2007, at 1:00 p.m., at which time the Court will consider the need for issuance of Notice, the need for further discovery, and the possible rescheduling of the trial date.

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written over a horizontal line.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE